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EASTERN

F.O.
371

1947

PALESTINE

File No. 48

pp. 6499 - 6599

CLOSED
UNTIL

1978

61817

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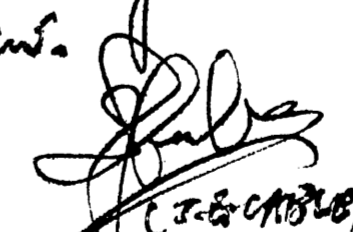
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E6499/48/31

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Reference: **F0** 371/61817

289 • 1947	Palestine EASTERN	E6500 /G 21 JUL 1947 2
E 6500 /48/G Mr. Higham Colonial Office, to Mr. Beith E6021/54 July 14th.	Interception of Immigrant Ships. Rep. to Palestine tel. 122(S) (E6074/48/31) Encloses draft of a telegram to Jerusalem discussing the matter of interception.	
Last Paper. E6499	[This will be discussed at the meeting of the Working Party on 23rd July]	
References.	Mr. Dods (Admin. Div.) and I both pointed out that the "President Wafield", in common with many previous ships, had actually been intercepted on the high seas. It seems rather pointless, therefore, to explain at such length the legal position without making some reference to the practical circumstances of the case. Mr. Fitzgerald (C.O.) still declines to send the telegram.	
(Print.)	I suggest, therefore, that we ask Mr. Evans to examine the telegram from the legal point of view.	
(How disposed of.) (S) Mr. Higham C.O. from Mr. Beith Aug. 2	 (J. Evans) 28/7	
(Action completed.) 25/8	(Index.) W.P.	Mr. Evans first I suppose C.O. regard on action Say 10 or 12 miles out as here
Next Paper. E6500	28653 F.O.P.	

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mere extension of the normal
3 mile territorial waters necessitated
by the difficulty of intercepting faster
ships within 3 miles.

But I agree that
strictly speaking we are already
doing what ~~ministers~~ ^{ministers} were
unwilling to do in principle.

Jos Quint
July 29

Subject to the amendments which I have
made to paragraphs 3 & 4 I agree to the terms of
the draft telegram.

^{WV9 Exam}
29 July 1949

Doalt JB July 31

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Reference:

FO 371/81817



76021/54.

21 JUL 1947

Colonial Office,
Downing Street,
S.W. 1.

July 17, 1947.

26500

in 4
L

Dear Beth

EMB/US/CH

Please refer to the High Commissioner's Saving telegram No. 122 of the 23rd May concerning interception of illegal immigrant ships, a copy of which was sent to you under this reference on the 30th May.

2. You will, of course, have seen that the High Commissioner there reopened the question of intercepting these ships on the high seas, suggesting in particular that legal grounds for interception might be found in the fact that the arrival of the ships constituted a menace to the public security of Palestine.

3. This point, as well as the more general question of interception, was considered by the Lord Chancellor in C.P.(46)463 of the 18th December; and he was of the opinion that though interception might be justified on grounds of self-preservation in certain instances, it would be most unwise to attempt to rely on the presumed existence of a right of this kind. He was of the clear opinion that there was no justification for intercepting ships of unrecognized flag and/or without identifiable master and crew.

4. As a result of the Lord Chancellor's opinion,

/the Cabinet

F.G.S. BEITH, Esq.

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the Cabinet decided not to proceed with the proposal to authorize the interception of these ships (C.M.(46)107, of 19th December).

5. The question of intercepting ships whose flag State had agreed to arrest was later considered in connexion with the President Wenfield when it was thought that she would sail in early May. Though the Lord Chancellor saw no legal objection to interception in these circumstances the Ministerial Committee nevertheless decided not to adopt this course (GEN.180/1st meeting of 2nd May).

6. We think that the High Commissioner might be informed fully of the considerations which have led Ministers not to approve the various proposals for interception on the high seas. We would be grateful therefore for your observations on the enclosed draft saving telegram, in reply to the High Commissioner's queries.

*Yours sincerely,
John Higham*

(J.D. Higham)

P.S. Palestine Savings 88 was not copied to you.

RECEIVED IN C.B.
18 JUL 1947
SENT TO DEPT.

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Wt. 47799/614. 2/27. 30m. S. & S. Ltd.

C. O.

Mr. Fitzgerald /7/47

Mr.

Mr.

Mr.

Mr.

Permt. U.S. of S.

Parly. U.S. S:

Secretary of State.

Your Reference

DRAFT. ^{Draft.} SAVING TELEGRAM

HIGH COMMISSIONER,
JERUSALEM.

Your saving telegram No. 122.

Interception on high seas.

For Admiralty and F.O. convenience.

1. Very full and careful consideration of the whole question of intercepting on the high seas ships carrying illegal immigrants has been given here by Ministers and the highest legal authorities in past few months.

2. Ships carrying illegal immigrants may be classified in two categories:

(a) ships of unrecognized flag and/or with no identifiable master and crew;

(b) ships flying recognized flag whose flag state has agreed to interception.

3. ^{ships of category} ~~as regards~~ (a) above it has definitely been decided that ~~there is no justification in International Law for their interception on the high seas,~~ *that a ship does not fly a recognisable flag, or has no identifiable master and crew, does not in International Law justify its interception on the high seas,* and that their interception cannot

be sanctioned.

4. As regards (b) above, it was agreed that, provided H.M.G. could prove that the flag state had given its approval, there was no legal objection to interception. So far as international governmental claims were concerned the flag state was entitled under

/International

FURTHER ACTION.

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International Law to seize its own ships on the high seas, and by consenting to H.M.G. seizing the ship the flag state had put H.M.G. in its own position as regards this particular seizure. so far as private claims brought in British courts were concerned, it was considered that the defence of Act of State would be successful seeing that the act complained of would have been done outside British territory and in relation to persons who were not British subjects. None the less it was felt that the conclusion of a ^{agreement} ~~bi-lateral agreement~~ ^{whereby H.M.G. were granted} ~~the individual states have~~ rights of interception might prove an embarrassing precedent since it might lead other states to demand rights of interception and search of British ships which would be unacceptable to H.M.G. Moreover, there were very serious practicable difficulties involved in actual interception. It was decided, therefore, that notwithstanding the legal possibility of intercepting ships whose flag states had agreed, such interception should not be approved.

5. Your paragraph 4^o The question of the right of a state to search and arrest foreign vessels on the high seas has arisen several times during the last 140 years - in connexion with the slave trade in the early part of the last century and more recently in connexion with liquor running into the United States. Those who asserted the existence of the right have generally given way; and it is considered that the right cannot be supported on any general principle of International Law. The cases show clearly that the right of visit and search is a belligerent right not to be exercised in time of peace except by virtue of some treaty. The most which can be said

/juridically

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C. O.

Mr.

Mr.

Mr.

Mr.

Mr.

Permt. U.S. of S.

Parly. U.S. S.

Secretary of State.

Your Reference.....

DRAFT.

6 I appreciate that arrival of ships does cause serious disturbances in Palestine and this may be deemed a menace to public security, (Your telegram No 88 refers) But in view of conclusion above, I do not consider that these grounds are sufficient justification for interception on the high seas.

juridically in favour of interception is that in certain cases it might be justified on grounds of self-preservation. If it could be shown that a particular ship carrying immigrants was loaded with arms and ammunition it might be possible to justify its interception before an International court on the grounds that the importation of arms and ammunition might lead to civil war. ^{but} it is considered that it would be most unwise to attempt to rely on the presumed existence of a right of this kind, the implications of which are exceedingly uncertain for the justification of interception on the high seas.

I regret, therefore, that it is not possible to agree in principle to the interception on the high seas of a vessel or a ship carrying illegal immigrants in any circumstances whatsoever.

FURTHER ACTION.

SECR.

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Top Secret.
Secret.
Confidential.
Restricted.
Open.

J.G.S.B.
30/7

Draft. letter

From: Mr. J.G.S. Beith

To: Mr. J.D. Higham Colonial Off.

OUT FILE

XO ep/se August 2nd.
July, 1947.

CONFIDENTIAL

(Dear Higham)

Thank you for your letter 76021/54 of July 17th enclosing the draft of a savingram which you propose to send to Palestine on the subject of the interception on the high seas of illegal immigrant ships.

We concur in the terms of this telegram subject to the following amendments:-

(a) Paragraph 3; "As regards ships of category (a) above, it has definitely been decided that the fact that a ship does not fly a recognisable flag, or has no identifiable master and crew, does not in International Law justify its interception on the high seas and that ~~their~~ ^{its} interception cannot be sanctioned."

(b) Third sentence from the end of paragraph (4) to read: "None the less it was felt that the conclusion of bilateral agreements whereby H.M.G. were granted rights of interception

~~Yours sincerely,~~

JD July 31

NOTHING TO BE WRITTEN IN THIS MARGIN.

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OUT FILE

FOREIGN OFFICE, S. W. 1.

10

CONFIDENTIAL

2nd August, 1947.

(E 6500/48/c)

Dear Higham,

Thank you for your letter 76021/54 of the 17th July enclosing the draft of a savingram which you propose to send to Palestine on the subject of the interception on the high seas of illegal immigrant ships.

We concur in the terms of this telegram subject to the following amendments:-

- (a) Paragraph 3; "As regards ships of category (a) above, it has definitely been decided that the fact that a ship does not fly a recognisable flag, or has no identifiable master and crew, does not in International Law justify its interception on the high seas and that its interception cannot be sanctioned."
- (b) Third sentence from the end of paragraph (4) to read: "None the less it was felt that the conclusion of bilateral agreements whereby His Majesty's Government were granted rights of interception....."

Yours sincerely,
Sd.

(J. G. S. Beith)

J. D. Higham, Esq.,
Colonial Office.

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260

1947

Palestine
EASTERN

Eb501 /G
21 JUL 1947

E 6501 /48/G

S.S. Resident Warfield.

Administrative
Round.

Recd. July 21st.

Last Paper.

(Minutes.)

Eb500
(E6448)
References.

- 1) Tel. no 180510 B of 18/7 from Campal to Cinc.
- 2) Tel. no 180658 B of 18/7 from Campal to Cinc. H. E.
- 3) Tel. no 180842 B of 18/7 from Cinc. H. E.
- 4) Tel. no 18117 of 18/7 from Campal to Cinc.
- 5) Tel. no 181125 of 18/7 from Campal to Cinc.
- 6) Tel. no 181432 of 18/7 from Campal to Cinc.
- 7) Tel. no 190635 of 19/7 from Campal to Cinc.

(Print.)

(How disposed of.)

(Action completed.)

(Index.)

W25

W.H.

Next Paper.

(E6502)

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21 JUL 1947

E

E/501

Enter E/G

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IN

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* (NOTE : Messages shown as having been sent in a One-Time Pad "O.T.P." are excepted from this rule.)

180510B/July

From COMPAL

Date 18.7.47.

Rec'd 1210

GENERALEX

To: C. in C. Med.
Info: C. in C. Med. Malta, Admiralty, N.O.i/c. Port Said.
for S.O.I.L.E.M.

IMMEDIATE

Boarding is in progress South West of Gaza.

2. Stiff opposition is being encountered.

180510B

Advance Copy sent 1st Lord, 1st S.L., V.C.N.S.,
O.D., D.C., D.N.I., M.

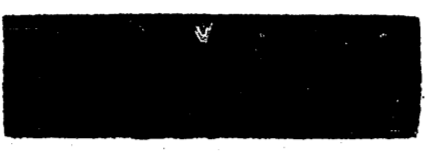
1st Lord
1st S.L.(3)
V.C.N.S.
A.C.N.S.
Naval Secretary
Secretary
U.S.S.
O.D.(8)
D.C.(2)
D.N.I.(5)
M.(6)
D. of P.(2)
D. of P.(Q) (2)
C.M.I.(2)

Foreign Office (Mr. Beith) ✓
Colonial Office (Mr. Higham)
Cabinet Office (Cdr. Evershed)
M.I.5 (Mr. T.A. Robertson)
c/o A.D.N.I.

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From. COMPAL.



180650B/July.

Date. 18-7-47.

Recd. 1255.

GENERALLEX BY W/T. CORRECTION.

To. C. in C. Med. Afloat.
Info. C. in C. Med. Malta, Admiralty, N.O.I.C. for S.O.I.L.E.M.

EMERGENCY.

CHEQUERS reports now in complete control and has left sweepers searching area for any men overboard 200 Jewish casualties. Our casualties not yet ascertained. WARFIELD used tear gas.

180650.

Advance copy sent 1st Lord.
1st S.L.
V.C.N.S.
O.D.
D.C.
D.N.I.
M.

1st Lord.
1st S.L. (3)
V.C.N.S.
A.C.N.S.
Secretary.
Naval Secretary.
D.C. (2)
O.D. (8)
D.N.I. (5)
D. of P. (2)
M. (8)
D. of P. (Q) (2)
S.S.
C.N.I. (2)

76.
D.B.

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RESTRICTED.

14
IN

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180842B/July.

Date. 18.7.47

From. C in C Med

Recd. 0952

GENERALLEX

Addressed. Admiralty.
Info. C in C Med. Malta.

MOST IMMEDIATE

I have not yet received a report from COMP.L
but it appears from intercepts boarding began about
0300B and ship was steaming to Haifa under Control
by 0530B.

180842B

Advance Copy. 1st Lord. 1st S.L
V.C.N.S. O.D. D.C. M

1st Lord
1st S.L(3)
DC.N.S.
Nav Secretary
Secretary
U.S.S.
O.D.(8)
D.C(2)
M(8)
D.N.I(5)
D of P(2)
D of P(Q)(2)
C.N.I

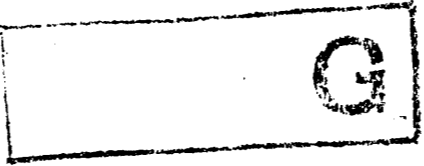
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181117/July.

From. COMPAL.

Date. 18-7-47.

Recd. 1346.

GENERALLEX.

To. C. in C. Med. Afloat.
Info. C. in C. Med. Malta, Admiralty, N.O.I.C. Port Said, for S.O.I.L.E.M.

EMERGENCY.

Sitrep Number Three. Known immigrant fatal casualties none repeat none. Our fatal casualties none repeat none four hospital cases.

2. Small arms fire was resorted to on two occasions on immigrants wielding lethal weapons with intent: believed both were missed.

3. All destroyers have suffered damage to hulls. PRESIDENT WARFIELD is making water.

181117.

Advance copy sent:

- 1 Lord
- 1 Sea Lord
- 2 Sea Lord
- V.C.N.S.
- A.C.N.S.
- Secretary
- Naval Secretary
- U.S.S.
- C.D. (8)
- D.C. (2)
- D.N.I. (5)
- M. (8)
- D. of P. (2)
- D. of P. (Q) (2)
- C.N.I. (2)
- C.W. (Cas) (3)

- 1st Lord.
- 1st Sea Lord.
- V.C.N.S.
- O.D.
- D.C.
- D.N.I.
- M.
- C.W. (Cas)

GR/40

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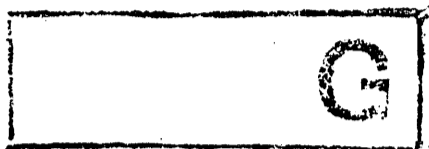
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IN 16

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181125B/July

From COMPAL

Date 18.7.47.

Recd. 1438

GENERALEX

To C. in C. Med. Afloat.
Info. C. in C. Med. Malta, Admiralty, N.O.I.C. Port
Said for S.O.I.L.E.M.

IMMEDIATE

Sitrep No.4. Apart from gas, boarding devices used by WARFIELD included fireworks, smoke bombs, missiles, oil fuel jet, steam jet, (skid) releasing rafts on to pump deck.

2. After capture of WHEELHOUSE they continued steering from aft.

181125B

Advance copy

1 Lord
1st S.L. (3)
V.C.N.S.
A.C.N.S.
Secretary
Naval Secretary
U.S.S.
D.C. (2)
O.D. (8)
D.N.I. (5)
D. of P. (2)
D. of P. (Q) (2)
M. (8)
C.N.I. (2)

1st Lord.
1st S.L.
V.C.N.S.
O.D.
D.C.
D.N.I.
M.

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***(NOTE: Messages shown as having been sent in a One-Time Pad ("O.T.P.") are excepted from this rule.)**

From COMPAL.

181732B/July.

Date 18.7.47.

Recd, 1854.

GENERALEX

Addressed C. in C. Med. (A).
Info. Admiralty. C. in C. Med. (M).

IMMEDIATE

SITREP number 5. PRESIDENT WARFIELD berthed in Haifa Harbour at 16(?)0/18 and disembarkation is progressing without incident.

2. One Jew reported killed from wounds received during boarding. My 181125B, 181117B refer.

181732B

Advance copy sent D.C.
R.C.

1st Lord
1st S.L. (3)
V.C.N.S.
A.C.N.S.
Secretary
Parl. Secretary
Naval Secretary
Civil Lord
D.C. (2)
O.D. (8)
D.N.I. (5)
D. of P. (2)
M. (8)
D. of P. (q) (2)
U.S.S.
C.N.I. (2)
R.C.

B.A.

Y. C. (Mr. Baird)

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SECRET

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18

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190635B July

Date 19.7.47

From Compal

Recd. 0900

SECRET

To:- C. in C. Med. (Afloat)
Info:- C. in C. Med. (M), Admiralty

IMMEDIATE

SITREP Number 6.

Transshipment completed without incident.
Total numbers embarked 4429 plus 26 in hospital and 34 relatives who are remaining ashore.

2. Two Jews now reported dead.
3. Extra Army guard of one officer and 40 O.R's embarked in PROVIDENCE.

190635B

Advance copy sent 1st Lord, 1st S.L.
O.D., V.C.N.S., D.C., D.N.I., M

1st Lord
1st S.L.(3)
V.C.N.S.
A.C.N.S.
Secretary
Naval Secretary
D.C.(2)
O.D.(8)
D.N.I.(5)
D.of P.(2)
M.(8)
D.of P.(Q)(2)
C.N.I.(2)
U.S.S.

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<p>262. 1947</p>	<p><i>Palistine</i></p> <p>EASTERN</p>	<p>E6513 /G</p> <p>21 JUL 1947</p> <p>19</p>
<p><i>E 6513 /48/G</i></p> <p><i>Brussels</i></p> <p><i>28th</i></p> <p><i>July 19th</i></p>	<p><i>Suspect Shipping</i></p> <p><i>Weekly Report.</i></p>	
<p>Last Paper.</p> <p><i>E6502</i></p>	<p>(Minutes.)</p> <p><i>1) Brussels 28th of July 19th</i></p> <p><i>[Signature]</i> 21/7</p>	
<p>References.</p>		
<p>(Print.)</p>		
<p>(How disposed of.)</p> <p><i>1) U.P.</i></p> <p><i>July 23.</i></p>		
<p>(Action completed.)</p> <p><i>[Signature]</i></p>	<p>(Index.)</p> <p><i>[Signature]</i></p>	
<p>Next Paper.</p> <p>E6534</p>		

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Cypher/OTP

DEPARTMENTAL No. 1 20

FROM BRUSSELS TO FOREIGN OFFICE

Sir H. Knatchbull Hugessen D. 11.21 a.m. 19th July, 1947
No. 287

R. 4.20 p.m. 19th July, 1947

19th July, 1947

Repeated to Jerusalem

Handwritten: K6513/G

u u u u

SECRET

My telegram No. 276.

Weekly report.

S.S. Kedman sailed from Antwerp for [gp. unsec. ?
London] on July 12th.

Foreign Office please repeat to Jerusalem as my
telegram No. 11.

[Copies sent to Telegraph Section Colonial Office
for repetition to Jerusalem].

RECEIVED
21 JUL 1947
SENT TO DEPT.

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Reference:

FO 371/61817

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E 6518

27 JUL 1947

PALESTINE

Registry Number } E6518/48/31.
 FROM Mr J.T. Henderson
 No. Stockholm
 Dated 190
 54/82/47.
 Received } 9 July.
 in Registry } 22 July.

Illegal Immigration
 Ref F.O. despatch 145/E3013/48/31.
 Encloses copy of note addressed
 to Swedish Government with request for
 co-operation in prevention of illegal
 immigration.

Last Paper.

E6513

References.

(Print.)

(How disposed of.)

a) C.O. (Mr. Higham)
 715 (Col. Robertson)
 Cab. Off (Comm. Swedish)
 July 26

(Action completed.)

R26/

(Index)

29/7/48

Next Paper.

E6534

(Minutes.)

This is a good despatch and Mr. Henderson has done well to wait until he could quote the Swedish laws.

Copies: C.O.
 M.I.5
 Cabinet Office } usual names
 22/7

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FO 371/61817

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22

No. 190
(54/82/47)

6518
22 JUL 1947

British Legation
Stockholm.
9th July, 1947

Sir,

With reference to your despatch No. 145 of May 10th last instructing His Majesty's Minister to approach the Swedish Government with a request to cooperate in preventing illegal immigration into Palestine, I have the honour to transmit to you here-with copy of a note I have addressed to the Swedish Minister for Foreign Affairs.

2. The delay in sending in this note has been occasioned by the difficulty even with the help of the Legation lawyer, of finding paragraphs of the Swedish laws relevant to the case and suitable for quotation. No harm has been done by the delay, however, as no ship has sailed meantime with passengers from Sweden to Palestine.

I have the honour to be,
with the highest respect,

Sir,

Your most obedient,

humble Servant,

J. Thynne Henderson

The Right Honourable Ernest Bevin, P.C., M.P.
etc., etc., etc.,

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No. 163
(54/81/47)

STOCKHOLM
9th July, 1947.

23

Your Excellency,

I have the honour, under instructions from His Majesty's Principal Secretary of State for Foreign Affairs, to lay the following considerations before you regarding traffic in illegal immigrants from various countries in Europe (among them Sweden) to Palestine.

As is already a well known fact, the majority of the ships which are bought or chartered for the carriage of these unfortunate immigrants to Palestine are unseaworthy, overloaded and would not conform to any of the standards which are adhered to by civilized sea faring nations. They do not even in many cases conform to the minimum standards laid down in the International Convention Respecting Load Lines and the International Convention for the Safety of Life at Sea, and I am to request Your Excellency's cooperation and assistance in ensuring that any ship which leaves Sweden should conform to the standards laid down in these two Conventions and accepted by Sweden.

Many of the vessels in which illegal immigrants are carried are overloaded in respect of the limited amount of tonnage they possess in order to carry the maximum number of passengers, and although there are no provisions in the two Conventions above mentioned relating specifically to the overcrowding of vessels, an overcrowded vessel is likely to fail to comply with the safety requirements laid down in the Conventions if, for instance, the life saving apparatus falls short of the standard laid down in the Conventions for all passengers and crew.

His Excellency

Monsieur Tage Erlander,
Acting Minister for Foreign Affairs,
Stockholm.

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Reference: **FO 371/61817**

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As regards vessels under the Swedish flag it is clear that the Swedish Government carry out all their obligations under the two Conventions. In respect of foreign vessels I venture to point out that, in accordance with the provisions of Article 1 of the Convention for the Safety of Life at Sea whereby contracting Governments undertake to take all steps necessary to give the Convention full and complete effect, and of Article 1 of the Load Lines Convention which contains a similar undertaking, the Swedish Government can exercise the rights of control conferred upon them under Articles 54 and 16 of the respective Conventions and generally satisfy themselves that the precautions contemplated by the Conventions are observed.

I should like moreover to invite attention to the following Swedish laws regarding the control and supervision of vessels:

1. Law No. 349 of the 16th October 1914
2. Royal Order No. 568 of December 9th 1932
3. Royal Order No. 570 of the 9th December 1932.

Clause 3 paragraph 1 of Section 1 of Law No. 349 of 16th October 1914 states as follows:-

The provisions in this Law, unless stated as applying exclusively to Swedish vessels shall, with such exceptions and deviations as The King may ordain, also apply to foreign vessels lying in Swedish ports and waters.

The first part of Paragraph 21 of Section 3 of this Law states that in order to ascertain whether a vessel complies with the special conditions laid down by The King for the granting of a passenger vessel certificate the vessel shall be subject to a special inspection, the result of which will determine the type of trade in which it may be employed and the maximum number of passengers that may be carried.

Paragraph 23/

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Paragraph 23 of Section 4 states that a vessel carrying persons who are employed for remuneration or who travel as passengers shall be subject to inspection to ascertain whether the vessel is fit for the purpose for which it is employed.

Paragraph 24 states that if a vessel has defects of hull, machinery or equipment, or is insufficiently manned or is unsuitably loaded or ballasted so that a voyage cannot be undertaken without endangering the lives of those on board, the appropriate authorities have the right to forbid the vessel to sail until such cause or causes of dissatisfaction have been removed.

By virtue of paragraph 23 His Majesty The King has since ordained that certain types of vessels shall be exempted from the inspection referred to therein. Foreign vessels in general trade and carrying passengers are not included in the list of exceptions given.

Paragraph 29 of the Royal Proclamation No. 568 of December 9th 1932 states that:

If a foreign vessel to which the International Convention for the safety of Life at Sea applies, holds a certificate in accordance with the requirements of the above Convention, it shall be subject to inspection only for the purpose of establishing whether the safety conditions of the vessel agree in the main with the contents of the certificate, so that the vessel may put to sea without danger either to passenger or crew.

Further if a foreign vessel to which the International Convention on Loading Lines of 5th July 1936 applies, holds an international free-board certificate, the vessel shall, when in a Swedish port, be subject to supervision only to the extent necessary to ascertain:

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-4-

- a) that the vessel is not loaded below the loading marks
- b) that the position of the loading marks agrees with that stated on the certificate
- c) that the hull and the superstructure have not been altered to such an extent that free-board should be increased.
- d) that the vessel is in proper conditions regarding
 - (i) protection for openings
 - (ii) railings and bulwarks
 - (iii) bilge openings
 - (iv) access to crews' quarters.

Royal Order No. 570 of 9th December 1932 applies to any vessel employed in seafaring trade with the exception of Swedish and foreign state-owned vessels which are not employed for the purpose of carrying cargo or passengers.

Paragraph 7 of Section 8 states that if the deck space required by current regulations to conform to the total maximum number of passengers carried is in any way reduced, or if the loading or ballasting of the vessel is arranged in such a way that the stability of the vessel is endangered if the maximum number of passengers is taken on board, the maximum number of passengers shall be reduced.

Paragraph 9 states that directions for the equipment of passenger vessels with life-boats and other lifesaving gear in relation to the total number of persons carried are laid down in regulations covering the building and fitting out of vessels. (Royal Order No. 184 of 20th May 1927 and amendments thereto in Royal Order No. 569 of 9th December 1932).

It does not appear that the above laws have always been strictly observed by foreign vessels in Swedish ports.

In view of the extreme importance which my Government attaches to this matter, and also to the fact that the departure from friendly countries of the illegal immigrants is the direct cause of civil disturbance and consequent

loss/

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Reference: **FO** 371/81817

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loss of life in Palestine, I should be most grateful to receive from Your Excellency an assurance which I would be able to transmit to my Government showing the extent to which the Swedish Government are prepared to cooperate in assisting His Majesty's Government to maintain the laws and regulations in Palestine and to regulate the flow of immigration into that country with the least possible hardship for all concerned. It is of course realised that public opinion in Sweden may favour the claims of the Zionists or the Arabs, but I am to express the hope that the sympathies of any section of the Swedish population and their adherence to any particular solution of the problem will not influence the action of the Swedish Government in their determination to do nothing which might contribute towards disorder, and thus prejudice the final solution of the problem at a time when it is under active examination by a commission of which one of the most prominent members is a Swedish citizen.

I have the honour to be,
 with the highest consideration,
 Your Excellency's most obedient
 humble Servant,

(Signed) J. Thyne Henderson.

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Palistin
EASTERN

E6534/G
22 JUL 1947

28

E 6534/148/G
Mr. Duff Cooper,
Paris.
726
July 21st.

P.S. President Warfield.
States that all Jewish immigrants
left France in possession of
individual passports bearing
Colombian visas issued at
Marseilles. Request information

Last Paper.

(Minutes.)

(E6502) 6513

References.

This question will be discussed at the meeting of the interdepartmental working party on Jewish illegal immigration, in order to consider whether it would be feasible or politically desirable to assist the French Government in transporting the "PRESIDENT WARFIELD's" Jewish illegal immigrants to Colombia. Before this meeting, however, Eastern Department would be grateful for guidance from Treaty Department and Mr. Evans on the legal aspects. In particular, does possession of Colombian visas by these Jews give the French Government any right to insist that the Colombian Government should receive them into Colombia? It seems probable that the issue of these visas was not specifically authorised by the Colombian Government, but they may well have been issued by a Colombian Official (possibly Consul General Marseilles) in possession of a general authority to issue Colombian visas.

(Print.)

(How disposed of.)
8) 11 P. 23 only

As the meeting of the working party takes place at 2.30 p.m. on Wednesday 23rd July, I should be grateful if these papers could be returned to Eastern Department before one o'clock. If the legal problems are at all complex it would be of great assistance if Mr Evans could himself attend the meeting.

Treaty Department
Mr. Evans.
Please see also E. 6535

J. E. Cable
(J. E. CABLE)
22nd July 1947.

(Action completed.)
[Signature]

(Index.)
[Signature]

Next Paper.
(E6535)

The answer to the question at A in Mr Cable's
minute is not decidedly in the negative.
For the next, if we do decide to help the
French, we must be sure to secure
the

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The concurrence of the Colombians
all the way. Even if the Colombians
acknowledge the visas as valid, there
is no guarantee that the Jews concerned
will be admitted into Colombia when
they reach that country.

K. Amberg

22/7/47

I understand from Treaty Dept. that a visa
does not entitle the person to whom it is given to
enter the country in respect of which it is given.
But it seems to me that it must mean something
and if Colombian visas have been given to
these Jews by a Colombian official in bad faith
at least there is very good reason to require the
Colombian Government to take disciplinary measures
against the official concerned.

However the responsibility in the matter of
disposing of the immigrants is that of the French
and I think it is for the French primarily to
take action as regards the visas though we
should back them up to the full extent that
our action is justified.

W. A. Evans
22 July 1947.

I think the position is now
reasonably clear.

2. Of the Colombian Consul -

/General

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General in Marseilles did in fact issue visas to those 4,500 Jews, the Colombian Government must either disown him or admit the validity of the visas.

3. If they disown him, I think we should join the French (preferably on their initiative) in pressing for disciplinary measures against the Consul General. This would help to discourage the sale of fraudulent visas.

4. If on the other hand the Colombian Government admit the validity of the visas, then I can see no political reason why we should not help the French to transport their holders across the Atlantic - provided that it is in fact a passenger transport and not a police operation. In other words, we cannot I think agree to carry any of them in chains;
/they

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they must be willing or at least acquiescent passengers.

5. It is however the fact that - in British practice at least - possession of a valid visa does not necessarily entitle its holder to enter the country on arrival. The boatmen might therefore send these people back.

6. In fact it does not seem probable that any action will be called for - except possibly under paragraph 3 above.

H.B. 237
17

Now see E 6583 and E6584

[Signature]
24/7

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22 JUL 1947

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26534

Cypher/OTP

DEPARTMENTAL NO.2.

FROM PARIS TO FOREIGN OFFICE

Mr. Duff Cooper
No. 726

D. 8.03 p.m. July 21st, 1947.

July 21st, 1947.

R. 9.15 p.m. July 21st, 1947.

Repeated to Bogota

SSSSS

MOST IMMEDIATE

SECRET

French Ministry of the Interior state that illicit Jewish immigrants on S.S. President Warfield left France in possession of individual passports bearing valid Colombian visas issued by Consul-General Marseilles.

2. There is some reason to believe that visas were granted on the understanding that passports would be thrown overboard when ship left French port. It is in any case fantastic that 4,500 Jews seriously meant to sail to Colombia in a 2,000 ton vessel built for river and lake navigation and only possessing a certificate permitting her to navigate in fine weather and without passengers.

3. Since French Government are asking us to assist in transporting these passengers to Colombia on their return to France from Palestine, could His Majesty's Ambassador ascertain whether the visas were granted with the authority of the Colombian Government? Colombian Embassy profess ignorance but say they are making enquiries.

Foreign Office please pass Most Immediate to Bogota as my telegram No. 1.

[Repeated to Bogota]

[Advance copy sent to Resident Clerk]

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Reference: **FO 371/61817**

<p>204. 1947</p>	<p>Palestine EASTERN</p>	<p>E6535 /G 22 JUL 1947 33</p>
<p>E 6535 /48 /G Mr. Duff Cooper, Paris. 425 July 21.</p>	<p>S.S. Resident Warfield. The immigrants are to be returned to Vilefranche. Discusses ways and means of transporting them to Colombia.</p>	
<p>Last Paper. (E6534)</p>	<p>(Minutes.) This will be considered by the Working Party. Please see minute at E. 6534. ? Telegram to Paris.</p>	
<p>References.</p>	<p><i>[Signature]</i> (T.E. CABLE) 22/7</p>	
<p>(Print.)</p>	<p>Tel. sent</p>	
<p>(How disposed of.) 8) I.I.P. 23 Aug Tel. Paris 1664 July 22 Rptd Bogota 167 8) I.I.P. July 26</p>	<p>HB. 227 7</p>	
<p>(Action completed.) <i>[Signature]</i> 26/7</p>	<p>(Index.) <i>[Signature]</i></p>	
<p>Next Paper. E6539</p>		

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Reference: **FO 371/61817**

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Miss

CYPHER/OTP

DEPARTMENTAL NO.2.

FROM PARIS TO FOREIGN OFFICE

Mr. Duff Cooper. D: 5.45 p.m. 21st July, 1947.
No. 725.
21st July, 1947. R: 9.10 p.m. 21st July, 1947.

Repeated to: Jerusalem.

000 000 000

MOST IMMEDIATE

SECRET

LIGHT

President Warfield.

M. Bousquet informed His Majesty's Minister this morning (21st July) that it had been decided to receive the three British vessels in the port of Villefranche. But as the immigrants had left with individual passports bearing valid Colombian visas, French Government would ask His Majesty's Government to arrange for immediate onward journey to Colombia in these vessels after refuelling.

2. Mr. Ashley Clarke objected on the ground that the vessels were unsuitable for crossing ocean and that they had in any case to return rapidly for duty in Palestine. M. Bousquet thereupon asked whether we could arrange for the transport of these immigrants to Colombia by merchant vessel possibly in batches. He said that from the experience which they had had on a previous occasion the operation of trying to return Jews to Germany was a difficult if not impossible one (apart from humanitarian considerations) and a prolonged enforced stay in France would cause internal political difficulties. He assumed that payment would be made for passages to Colombia but on being challenged became somewhat vague.

3. Mr. Ashley Clarke said that with the present stringency of sea transport it would probably be very difficult for us to give much help except over a long period. Could not the French themselves undertake this transport? M. Bousquet replied that the French Government would certainly examine the possibility of co-operating with us in doing so. On this basis Mr. Ashley Clarke undertook to refer the proposal to you.

4. It seemed that Villefranche had been chosen because of the frequent presence of units of the French fleet

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there and because of the port being a quiet one. But if the immigrants were to be landed it would now be necessary to discover either a camp or barracks into which to put the immigrants temporarily and possibly another port near the camp would have to be chosen. In any case the French navy would detail a warship to meet our convoy at the limit of territorial waters and escort the ships into port.

5. French authorities asked whether we would have any objection to handing over to them for confiscation, the President Warfield on the ground that she transgressed French laws. At the back of their minds is the thought that they might re-condition her adequately to take the immigrants in relays to South America.

6. M. Bousquet rang up later to say that the Prime Minister had pointed out that once the immigrants were put in the camps they would not be guarded since from the French point of view they were free persons. Did we realise the risk that they might then disperse and organise another departure to Palestine? Mr. Ashley Clarke stated that if the French Government would carry out strictly the undertakings which they had given us we might hope to prevent another departure. Furthermore, he wondered whether the immigrants would have much stomach for another trip to Haifa. But in any case was it not likely that the papers of these immigrants were all out of order and could not the French authorities keep them under restraint at least for a time on this ground? M. Bousquet was doubtful.

7. Interdepartmental meeting is being summoned as soon as possible for 9.30 a.m. on 22nd July after which departments hope to meet us and discuss physical arrangements for the arrival of the ships. We shall endeavour to secure that they are made in accordance with the indications received from you and from High Commissioner Jerusalem. Meanwhile I shall be grateful for your views urgently on the request for British assistance in transporting these Jews to Colombia.

8. Colombian Embassy deny all knowledge of these visas and making urgent enquiries.

Foreign Office please pass Immediate to Jerusalem as my telegram No. 13.

[Copy sent to Colonial Office for repetition to Jerusalem.]

[Advance copy sent to Resident Clerk.]

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Registry
No. E6535/48/G

Top Secret.
Secret.
Confidential.
Restricted.
Open.

J.E.C.

Draft.

~~PARIS~~

Telegram.

No. 1664

(Date) July 22nd

Repeat to:-

BOGOTA No 167

~~En Clair.~~

~~Code.~~

~~Cypher.~~

Distribution:-

Departmental No 2

Copies to:-

F.I.P.

26/7

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3149 Wt. 26469/137 100m/9/46 (51) F.&S.

OUT FILE

F.O.,

22 194
Despatched 6 31 M.

IMPORTANT
SECRET

Your telegrams nos. 725 and 726 [of 21st July: Jewish illegal immigration].

"President Warfield"

French request for our assistance in transporting this ship's passengers to COLOMBIA after they have disembarked at a French port will be considered at an inter-departmental meeting on 23rd July and a reply will be sent as soon as possible.

2. Incidentally it occurs

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Reference:-

FO 371/61817

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to us that the French, by
announcing at this stage their
intention of sending the
President Warfield's passengers
to Colombia, may have ~~increased~~
increased the danger that
they will ^{violently} resist disembarkation.

H.B. 22/7

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E6535/487G

SECRET

Cypher/OTP

DEPARTMENTAL NO. 2.

FROM FOREIGN OFFICE TO PARIS

No. 1664

22nd July, 1947. D. 6.05 p.m. 22nd July, 1947

Repeated to Bogota No. 167.

0 0 0 0

IMPORTANT
SECRET

Your telegrams Nos. 725 and 726 [of 21st July:
Jewish illegal immigration].

"President Warfield".

French request for our assistance in
transporting this ship's passengers to Colombia
after they have disembarked at a French port will
be considered at an inter-departmental meeting on
23rd July and a reply will be sent as soon as possible.

2. Incidentally it occurs to us that the French,
by announcing at this stage their intention of sending
the President Warfield's passengers to Colombia, may
have increased the danger that they will violently
resist disembarkation.

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265. 1947

Palastine
EASTERN

E6539/G

22 JUL 1947

39

E 6539 / 48 / C³¹

Mr. Robertson,
H.L.S. to
Mr. Evershed,
Cabinet Office.
July 18th.

Illegal Immigration: Sir J. Shakespeare.

States that the shipping company
in which Shakespeare is interested
is the SVEA line of Stockholm from
whom Jean WADSWORTH bought several
ships.

Last Paper.

E6538

References.

(Minutes.)

This was discussed at the meeting of
the Working Party on 23rd July, when it was
decided that action should be taken by
the Ministry of Tr.

[Signature]
24/7

(Print.)

(How disposed of.)

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(Index.)

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Next Paper.

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Reference: FO 371/61817

SECRET

BOX No. 500,

PARLIAMENT STREET B.O.,

LONDON, S.W.1.
18th July, 1947.

Telephone Nos.
REGENT 6050.

WHITEHALL S.F. 215/15/B.3.a/ES.

Dear Evershed,

Please refer to your letter of 14th July 1947.

The shipping company in which Sir Geoffrey Shakespeare is interested is undoubtedly the SVEA Line of Stockholm, from whom Jean ILIADES bought several ships last winter. Among these ships were the SAN MIGUEL and the SAN FELIPE which, as you know, are now impounded at Haifa. There is no evidence to suggest, however, that the SVEA Line knew of ILIADES' intentions when they sold him the vessels.

I agree that it might be profitable to circularise to reputable British shipowners the names of such buyers as ILIADES, with a view to obtaining their co-operation in stopping similar sales in future. If this is done, it would probably be as well to have the names of the shipowners checked against M.I.5. records, as a precaution. Perhaps the proposal could be considered at the next meeting of the Illegal Immigration Committee?

Yours sincerely,

J.C. Robertson.

Cdr. W. Evershed, R.N.,
GABINET OFFICES.

Copies to : J.D. Higham, Esq., Colonial Office.
J.G.S. Beith, Esq., Foreign Office. —
W. Graham, Esq., Ministry of Transport.

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1947

Palistine
EASTERN

E6541 / G

22 JUL 1947 41

~~copy~~
E 6541 / 48 / C
Stockholm Chancery
to E Dept.
SH 185 / 47
July 12th.

Suspect Ships: Sweden.
Rep to Weekly Report no 8
(E 558 / 48 / C) Points out obvious
inaccuracies in the report.

Last Paper.
E 6540

(Minutes.)

copy: M.I. 5 (Mr. Scher)
Letter to Stockholm Chancery
22/7

References.

(Print.)

(How disposed of.)

8) M.I. 5 (Mr. Scher)
July 25.

Dft. Stockholm
Chancery from
E Dept. July 24.

8) M.I. 5 (Mr. Scher)
July 24.

(Action
completed.)

PO 257

(Index.)

W.K.

Next Paper.

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Reference: FO 371 / 61817

22 JUL 1947

E6544

SECRET:
(54/85/47)

1 ep/se

British Legation
Stockholm.
12th July, 1947

42

Dear Eastern Department,

We notice from M.I.5 Weekly Report No. 8 on Jewish Illegal Immigration into Palestine, (E5558/48/G) that you have transferred our Mystery Ship from Hälsingborg to Gothenburg, where it is equally invisible, so far.

2. Also, on page 3 you have an unknown ship at sea which seems capable of the most amazing geographical gymnastics. It seems to have sailed from Malta on June 12th with an unknown number of Jews from Stockholm area and then from Malmö for Gdynia on June 13th. A glance at the map will show that this must have been a record-breaking voyage. Also why the unknown number of Jews should have decided, having got as far as Malta, to return to Poland (whence they mostly escaped) via Malmö can only be due to some process of Hebrew psychology with which we are unfamiliar.

Yours ever,
STOCKHOLM CHANCERY.

Eastern Department,
Foreign Office.

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FO 371/61817

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No. E 6541/48/6
J.E.C.

OUT FILE

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24th July, 1947

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Draft
To Stockholm Embassy
from
Eastern Dept

NOTHING TO BE WRITTEN IN THIS MARGIN.

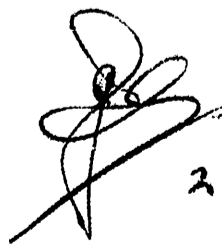
copy to:
Mr. Selam H.E.S

Dear Embassy,
We were sorry to gather from your letter no. 54/85/47 of the 12th July about Jewish illegal immigration, that you suspected us of forcing a single ship to combine the roles of Wandering Jew and Flying Dutchman.

As a result of your information, however, ~~both~~ these errors have been eliminated and corrected and you will notice that both these will in the future have been eliminated from Weekly List No. 11.

~~We should, however, be grateful for any information you can give us about the "SAN SPYRIDON" at Stockholm.~~

Yours ever
Eastern Dept.


22/7

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Reference: **FO 371/61817**

OUT FILE

44
FOREIGN OFFICE, S.W.1.

(E 6541/48/G)

24th July, 1947.

CONFIDENTIAL

Dear Chancery,

We were sorry to gather from your letter No. 54/85/47 of the 12th July about Jewish illegal immigration, that you suspected us of forcing a single ship to combine the roles of Wandering Jew and Flying Dutchman.

2. As a result of your information, however, these errors have been corrected and you will notice that both these will o' the wisps have been eliminated from Weekly List No. 11.

Yours ever,

EASTERN DEPARTMENT.

The Chancery,
British Legation,
Stockholm.

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Reference:

FO 371 / 61817

1947

E

PALESTINE

6542
E 7164

7 AUG 1947

45

E 6542/48/a

Mr. Balfour,
Washington.

4052

July 24th.

S.S. President Warfield.

Ref. to FO. W. 7309 (E 6448/48/c)
gives details of press notices
concerning this vessel.

Last Paper.

E 6541

References.

(Minutes.)

Telegram sent to Washington
and Prague. See also E 6638

Please enter white.

24/7
H.B. 5/8

(Print.)

(How disposed of.)

8) I.P.
Tel. Prague 8/9
W. 400 1/11
July 24.

8) I.P.
July 26.

(Action
completed.)

[Signature]

(Index.)

[Signature]
27/7/47

Next Paper.

E 6559

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Reference: FO 371/61817

Cypher/OTP

DEPARTMENTAL No. 2

46

FROM WASHINGTON TO FOREIGN OFFICE

Mr Balfour
No. 4052

D. 4. 34 p.m. 21st July, 1947.

R. 11. 45 a.m. 21st July, 1947.

21st July, 1947.

Repeated to Jerusalem

2 2 2 2

IMMEDIATE

CONFIDENTIAL

Your telegram No. 7309.

President Warfield.

Press Attaché is issuing guidances in accordance with your instructions.

2. Newspaper P.M. of July 21st carries report by Bernstein from Jerusalem giving account by United States Citizen named Grauel of incident. [gp omit]s account, taken from members of the crew, was apparently given to U.N. Commission. According to this, members of the boarding party entered the wheelhouse where there were four members of the crew. Tear gas was thrown in first and two shots, which missed, were fired at Millman the helmsman, who had not resisted. The three other men ran to the door, one being struck by a club and another, Bernstein, being "followed" by a club which caused him injuries of which he subsequently died. Bernstein received no medical attention until negotiations for the surrender of ship were completed some two hours later.

3. According to Grauel the U.N. delegates were interested in following points in addition to Bernstein's death:

- (A) how British boarded and whether violence was necessary to seize control.
- (B) whether arms had been seen in possession of passengers.
- (C) whether ship was outside the three mile limit when boarded.
- (D) whether Jews in Displaced Persons camps really wanted to come to Palestine.

4. P.M. also carries virulent editorial by I.F. Stone in which he expresses the hope that State Department will

/ do more

Green
70

6542
E 7164
7 AUG 1947

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1	1				

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Reference: **FO 371/61817**

do more than issue its usual anaemic protests about the arrests of American members of the crew. Stone adds that "this ship was seized outside territorial waters. The attack on Exodus particularly in those waters was piracy. Killing of Bernstein under those circumstances was murder". Copies of article and editorial follow by bag.

5. Your paragraph 7. There is little useful material here for your publicity. Most papers give factual account sympathetically inclined to President Warfield while P.M. is openly hostile.

6. Although your first paragraph says "interception in Palestine waters" we should be grateful for urgent guidance on the allegation of seizure outside territorial waters as we are likely to be questioned about this. Guidance on the return of the immigrants to France would also be welcome. Press carries report that this may be happening.

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Registry No. E 6542/48/G

Sec.

~~Top Secret.~~
Secret.
~~Confidential.~~
Restricted.
Open.

OUT FILE

F.O.,

H 48

194
Despatched 4.30 P.M.

Draft.

PRAGUE No 897
WASHINGTON
7477

Telegram.

No.

(Date) July 24th

Repeat to:—

~~En Clair.~~
Code.
Cypher.

Distribution:—

Departmental No. 2

Copies to:—

R.I.P.

IMMEDIATE

SECRET

Washington telegram no. 4052 and
Prague telegram no. 795 [of 23rd July: "President Warfield" ^{21st and}]

My immediately following telegram contains text of Palestine communiqué on interception of "President Warfield".

2. The initial stages of this operation did in fact take place outside territorial waters. You should not (repeat not) admit this and should merely decline to comment.

[Signature]
24/7

NOTHING TO BE WRITTEN IN THIS MARGIN.

3149 Wt. 26469/137 100m 946 (51) F.&S.

1	2	3	4	5	6
1	1	2	2	2	2

Reference: **FO 371/61817**

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OUT FILE

49

EG542/48/G.

Secret.

CYPHER/OTP

DEPARTMENTAL NO. 1.

FROM FOREIGN OFFICE TO PRAGUE NO. 897.

WASHINGTON NO. 7,477.

24th July, 1947.

D: 4.30 p.m. 24th July, 1947.

@@@ @@@ @@@

IMMEDIATE

SECRET

Washington telegram No. 4,052 and Prague telegram No. 795 [of 21st and 23rd July: "President Warfield"]

My immediately following telegram contains text of Palestine communiqué on interception of "President Warfield".

2. The initial stages of this operation did in fact take place outside territorial waters. You should not (repeat not) admit this and should merely decline to comment.

1								
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Reference:

FO
371/51817

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NOTHING TO BE WRITTEN IN THIS MARGIN.

3149 Wt. 26469/137 100mm 9/46 (51) F.&S.

Registry No. E 6542/48/6 J.E.C.

Top Secret.
Secret.
Confidential.
Restricted.
Open.

Draft.
PRAGUE No. 898
WASHINGTON No. 2478

Telegram.
No. _____
(Date) July 24/48
Repeat to:—

En Clair.
~~Code.~~
~~Cypher.~~
Distribution:—
Departmental NO. 2

Copies to:—
I.I.P.
30/7.

23
50

F.O.,

Despatched 24/7 1948.
4 30 P.M.

IMMEDIATE
~~SECRET~~

My immediately preceding telegram.
Following is text.

[from (A) to (B) of Palestine]
tel no. 1374 attached

J
24/7

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Reference: **FO** 371/51817

6545 84 31
JUL 1947

p.w.
57

INWARD TELEGRAM

En Clair

FROM PALESTINE (Gen. Sir A. Cunningham)

TO S. OF S., COLONIES.

D. 20th July, 1947.
R. 20th " " 16.15 hrs.

IMMEDIATE

No. 1374

Addressed to S. of S.
Repeated to Paris, No. 1020, Most Immediate.

My telegram No. 1373.

PRESIDENT WARFIELD.

Following communique was issued here
yesterday evening 19th July. Begins.

(A) In order to remove any doubts which may have been raised by inaccurate broadcast from the illegal immigrant ship PRESIDENT WARFIELD, the following facts are recorded. The PRESIDENT WARFIELD arrived in Palestinian waters early on the 18th of July, carrying approximately 5,000 Jewish illegal immigrants. In order to avoid being boarded, she took a violent evasive action which, in the ensuing boarding operations, resulted in damage to herself as well as to ships of the Royal Navy. Her sides had been planked up and barbed wire had been strung fore and aft. The boarding party met strong resistance, backed up by tear smoke, fireworks, smoke bombs, steam jets and various missiles. She also dropped life rafts from a height on to the decks of the naval vessels.

/One

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Reference:

FO 371/51817

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One single shot, and a burst of machine gun fire were used by one of the naval ships against an immigrant who was threatening to decapitate one of the boarding party with an axe, and another who was about to use a rifle. The shot and the burst both missed, but frightened the men who dropped their weapons. No other fire was used by naval personnel. Some fifty naval personnel in all were used in the boarding party.

The PRESIDENT WARFIELD entered Haifa port under her own steam on the evening of the 18th. Two illegal immigrants were found to have died from fractured skulls, and third has since died in hospital from the same cause. Twentyseven were admitted to Haifa hospital; some of these persons though not all were suffering from injuries received when the PRESIDENT WARFIELD was boarded. Three naval ratings were injured and admitted to hospital. [Ends.]

Copies sent to:-

- | | |
|--------------------------------|----------------------------|
| No. 10 Downing Street | - P.O. to Prime Minister. |
| Lord President | - Private Secretary. |
| Admiralty | - Private Secretary. |
| " | - First Sea Lord. |
| " | - Mr. G.C.B. Dodds. |
| War Office | - Private Secretary. |
| " | - C.I.G.S. |
| " " (M.O.4.) | - Lt. Col. J.G. Atkinson. |
| " " (M.I.3.) | - Lt. Col. W. Gore. |
| Air Ministry | - Private Secretary. |
| " | - Chief of Air-Staff. |
| Cabinet Offices | - Sir N. Brook. |
| " | - Mr. T.A.G. Charlton. |
| Foreign Office | - Private Secretary. |
| " | - Mr. C.W. Baxter. |
| " " (Research Dept.) | - Air Commodore K.C. Buss. |
| " " (Information Policy Dept.) | |
| Ministry of Defence | - Mr. Rennie. |
| " | - Private Secretary. |
| " | - Sir Henry Wilson Smith. |
| " | - Defence Registry. |
| H.L. 5. | - Mr. T.A. Robertson. |
| Ministry of Transport | - Mr. W. Graham, M.B.E. |
| Cabinet Offices. | - Commander Evershed. |
| Foreign Office | - Mr. Baith. |

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Reference: FO 371/51817

E.6542/48/G.

En Clair

DEPARTMENTAL NO. 2.

FROM FOREIGN OFFICE TO PRAGUE NO. 898.

WASHINGTON NO. 7.478.

24th July, 1947.

D: 4.38 p.m. 24th July, 1947.

@@@ @@@ @@@

IMMEDIATE

My immediately preceding telegram.

Following is text:

In order to remove any doubts which may have been raised by inaccurate broadcast from the illegal immigrant ship "PRESIDENT WARFIELD", the following facts are recorded. The President Warfield arrived in Palestinian waters early on the 18th of July, carrying approximately 5,000 Jewish illegal immigrants. In order to avoid being boarded, she took a violent evasive action which, in the ensuing boarding operations, resulted in damage to herself as well as to ships of the Royal Navy. Her sides had been planked up and barbed wire had been strung fore and aft. The boarding party met strong resistance, backed up by tear smoke, fireworks, smoke bombs, steam jets and various missiles. She also dropped life rafts from a height on to the decks of the naval vessels.

One single shot, and a burst of machine gun fire were used by one of the naval ships against an immigrant who was threatening to decapitate one of the boarding party with an axe, and another who was about to use a rifle. The shot and the burst both missed, but frightened the men who dropped their weapons. No other fire was used by naval personnel. Some fifty naval personnel in all were used in the boarding party.

The President Warfield entered Haifa port under her own steam on the evening of the 18th. Two illegal immigrants were found to have died from fractured skulls, and third has since died in hospital from the same cause. Twentyseven were admitted to Haifa hospital; some of these persons though not all were suffering from injuries received when the President Warfield was boarded. Three naval ratings were injured and admitted to hospital.

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PUBLIC RECORD OFFICE

Group *FO*

Class *371*

Piece *61817*

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Department of origin under Section 3 (4)
of the Public Records Act, 1958

E 6559/48/31

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Reference: **FO 371/61817**

<p>1947</p> <p>269</p>	<p>Palistin</p> <p>EASTERN</p>	<p>E6583 /G</p> <p>23 JUL 1947</p> <p>54</p>
<p>E 6583 /48/C³¹</p> <p>M. Duff Cooper,</p> <p>Paris.</p> <p>429</p> <p>July 22nd.</p>	<p>S. S. Resident Warfield.</p> <p>Rep. to his tel. 726 (E6534/48/C)</p> <p>gives information concerning</p> <p>the grant of Colombian</p> <p>visas.</p>	
<p>Last Paper.</p> <p>(E6542)</p>	<p>News Dept. ^(Minutes.) given permission to</p> <p>use this information in slightly garbled form.</p> <p>See separate minute</p> <p>J. 24/7</p>	
<p>References.</p>		
<p>(Print.)</p>		
<p>(How disposed of.)</p> <p>8) 11P 269ney</p>		
<p>(Action completed.)</p> <p>25/30/7</p>	<p>(Index.)</p> <p>11/11</p>	
<p>Next Paper.</p> <p>(E6584)</p>		

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55

The President Warfield

Various rumours are circulating about the circumstances in which the "President Warfield" left France. The facts are not fully known in London, but the following seem to be established :

- 2. A distinction must be drawn between the passengers and the ship.
- 3. The passengers were apparently given clearance by the French authorities on production by a representative of a Jewish Child Welfare organisation of a letter alleged to come from the Colombian Consulate General in Marseilles. This letter, which stated that Colombian visas would be granted, was a forgery.
- 4. The ship, however, was not given clearance by the French authorities, because her navigation certificate was valid only for voyages in fine weather and without passengers ; in fact, the Port authorities at Cette attempted to prevent the departure of the ship, but she escaped under cover of darkness and without a pilot. She ran aground on leaving harbour but was successfully refloated and got away.

Set

News Department may find the above ~~the~~ useful in answering enquiries.

H. Beeley
(H. Beeley.)
24th July, 1947.

News Dept.

Circulate press - 26/7

*Blowers
(Personnel) 26/7*

Information Policy Dept. 27/7

[Signature] 26/7

NOTHING TO BE WRITTEN IN THIS MARGIN.

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23 JUL 1947

E

56

Cypher/OTP

DEPARTMENTAL NO. 2.

FROM PARIS TO FOREIGN OFFICE

Mr. Duff Cooper
No. 729

D. 4.27 p.m. 22nd July 1947
R. 5.30 p.m. 22nd July 1947

22nd July 1947
Repeated to Bogota

c c c c c

IMMEDIATE
SECRET

Hosee/Hosee

My telegram No. 726.

Visas for illicit Jewish immigrants.

We learn confidentially from Colombian Counsellor that Jewish organisation Hosee (Organisation de Secours aux Enfants) which was responsible for embarkation of Jews on "President Warfield" asked Prefect of the Rhone for individual travel documents for whole party and presented document purporting to come from Colombian Consul, Marseilles, stating that visas for Colombia would be granted. Prefect referred to Ministry of Interior who authorised issue of travel documents. Colombian Consul, who is a career officer of good standing, neither gave the document handed by Hosee to Prefect nor issued any visas (only 132 have been granted by him since 1st January). Consequently, document and visas were forged.

2. Colombian Embassy have officially requested the French Government to make an investigation and contemplate legal proceedings against Hosee. Counsellor said that we might inform you that Colombian Government have no present intention of admitting these Jews to Colombia.

3. French request that we assist in transporting them there, falls to the ground in consequence.

Foreign Office please repeat Immediate to Bogota as my telegram No.2.

[Repeated to Bogota]

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Reference

FO 371/61817

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290 1947

Valentin
EASTERN

E6584/G

23 JUL 1947

57

E 6584 / 48 / C³¹

Mr. Broadhead,
Bogota.

164

July 22nd.

S. S. President Warfield.

Rep. to CO. tel 166 (E 6534/48/C)
No authority has been granted
by the Colombian Govt. to grant
visas.

Last Paper.

(E 6583)

References.

(Print.)

(How disposed of.)

8/11P

26-1044

(Action completed.)

25 08 17

(Index.)

WPH

Next Paper.

(E 6588)

(Minutes.)

Now see E 6583

[Signature]
24/7

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Reference:

FO 371 / 61817

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23 JUL 1947

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Cypher/OTP

DEPARTMENTAL No. 2.

FROM BOGOTA TO FOREIGN OFFICE.

Mr. Breadhead. D. 6.21 p.m. 22nd July, 1947.
No. 164.

22nd July, 1947. R. 3.00 a.m. 23rd July, 1947.

Repeated to Paris.

3 3 3

IMMEDIATE.

SECRET.

Your telegram No. 168: Illegal Jewish immigrants.

I have seen Minister for Foreign Affairs who tells me that no (repeat no) authority has been granted by the Colombian Government to grant visas: without such authority visas cannot properly be granted and if they have been granted by Colombian Consul-General in Marseilles, not only will he be recalled but he will be told to cancel them.

Minister for Foreign Affairs read to me in confidence text of telegram he had already sent this morning to a number of posts asking them to make investigations about this story which had appeared in the press. I told him that His Majesty's Ambassador Paris had been informed by the French authorities that it was the Consul-General, Marseilles, who is alleged to have granted these visas and I understand he will pass this information on to Colombian Ambassador Paris. Minister for Foreign Affairs has already issued denial about the grant of these visas which appeared in this evening's press.

You doubtless recollect reports I have already sent of the unwillingness of the Colombian Government to permit immigration of any Jews. Unless the Consul-General Marseilles, who is a retired army general, is out of this mind or completely corrupt it looks as if a forgery on a grand scale has been perpetrated.

Foreign Office please pass to Paris as my telegram No. 1.

[Repeated to Paris].

23 JUL 1947

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Reference: **FO 371/81817**

24 1947

Palastine
EASTERN

E6588 /G

23 JUL 1947

59

E 6588 147C

Athens

1444

July 21st.

S.S. President Warfield.

Rep. to P.O. tel 1583 (E6358/48(C))

Greek press carried news of
incident only factually

Last Paper.

(E6584)

(Minutes.)

[Signature]
24/7

References.

(Print.)

(How disposed of.)

8) I.I.P. July 23.

(Action
completed.)

[Signature]

(Index.)

[Signature]

Next Paper.

E6589 E6632

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60

E p/w

~~RC 388~~

En Clair

DEPARTMENTAL NO. 2.

FROM ATHENS TO FOREIGN OFFICE

Mr. Reilly.
No. 1,444.

D: 9.00 a.m. 22nd July, 1947.

21st July, 1947.

R: 12.35 p.m. 22nd July, 1947.

@@@ @@@ @@@

E 6358/48/C
g

IMPORTANT

Your telegram No. 1,583: President Warfield.

Greek press carried news of incident only factually and has refrained from all comment.

22 JUL 1947
SECRET

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Reference: **FO 371/61817**

1947
272

Palestine
EASTERN

E6589/G
23 JUL 1947
61

E 6589/48/G
Rome
1582
July 22nd

Illegal Entries into Italy.
Report is being forwarded on the way Jewish illegal immigration to Italy is being organised in Austria & Northern Italy

Last Paper.
E6588

References.

(Print.)

(How disposed of.)
23 July

(Action completed.)
25/7/a.

(Index.)
W.H.

Next Paper.
(E6591)

(Minutes.)
Eastern Dept. would be grateful for the comments of:
German (Pol.) Dept.
German (Refugee) Dept.
[Signature]
(S.E. 11/10)
This seems to suggest that the bulk of the illegal entries take place from the British and not, as we had thought, from the French or U.S. Zone. We should welcome Vienna's comment on the full report.
We showed telegraph to Vienna for a report. The British forces are very spread out in this frontier area and they may well have difficulty in preventing this traffic. The Austrian frontier guards have no automatic weapons and there would seem to be an urgent need for them to be properly armed to cope with it.
[Signature]
29/7
Eastern department has received a reply from Vienna that investigations in the Grand have failed to substantiate the

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62

useful note attached herein that San Carlos
Police must also check crossing - Victoria Pass
asked for source of Italian Ministry of F.A.
information suggesting that this information may
have been intended to deflect attention
from real point of crossing.
No further action necessary.
5/10/47. Joan Drake

Eastern Dept.

Now see E 7533/48/31

J.D.
11/8

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Reference:

FO 371/61817

E

E6589 63
DEPARTMENTAL NO. 2

Cypher/OTP

FROM ROME TO FOREIGN OFFICE

Sir N. Charles
No.1582

D. 5.07 p.m. 22nd July, 1947

22nd July, 1947

R. 8.55 p.m. 22nd July, 1947

Repeated to Vienna.
.....

IMPORTANT

CONFIDENTIAL

Jewish illegal entries into Italy.

Ministry of Foreign Affairs have sent us a report (copy by bag) based on information from their sources on the way Jewish illegal immigration to Italy is being organised in Austria and Northern Italy. They state inter alia that organised groups of about 50 Jews, some of them armed, attempt almost daily to enter Italy at the following points:-

Passo Stalle (Anterselva), Valle Casies, Mont' Elmo and San Silvestro (San Candido).

2. All the points are on frontier of Italy with British zone of Austria to east of Lienz.

3. You may think this report worth investigating. I understand strict measures are in force in the British zone to prevent illegal exit of Jews to Italy. If numbers of Jews are actually crossing the frontier at the points mentioned it would therefore appear that they have found new ways of eluding British/Austrian frontier guards.

Foreign Office please repeat Vienna as my telegram No.19.

[Repeated to Vienna].

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Class 371

Piece 61817

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E6591/48, 31

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1947

Palestine
EASTERN

E6598 /G

23 JUL 1947

64

E 6598/48/C³¹

Tunis

51
July 22nd

Suspect Shipping to Tunisia
Rep. to FO tel 36 (E 148/C)
Quotes telegram from Pinc
Mediterranean concerning large
scale movement of illegal
immigrants from Libya to Tunisia

Last Paper.

(Minutes.)

Now see E 6714

[Signature] 26/7

References.

(Print.)

(How disposed of.)

Yel) Tunis 36
Algiers 48.

Rptd. July 21.
Paris no 1659
Rabat no 29.

E) I.I.P. July 26.

(Action completed.)

25 30/7

(Index.)

[Signature]

Next Paper.

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Reference: FO 371/61817

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EB398

Cypher/OTP

DEPARTMENTAL NO.2

FROM TUNIS TO FOREIGN OFFICE

Acting British Consul General.

No.51

D. 2.55 p.m. 22nd July, 1947

22nd July, 1947

R. 9.50 a.m. 23rd July, 1947

Repeated to Algiers No.14.

Paris No.7.

Rabat No.38

Commander-in-Chief Mediterranean.

.....

IMPORTANT

Your telegram No.36. E /48127

Following telegram was received from Commander-in-Chief Mediterranean July 20th.

[Begins].

It is reported that large scale movement of illegal Jewish immigrants from Zuara of Tripolitania to Tunisia commenced July 12th.

2. Number 207 Luciano is being shadowed off Cape Bon at 0630 July 19th already.

3. Request any information as to where loading may have taken place. [Ends].

II. I asked Residency General for information regarding

(a) Alleged movement into Tunisia and

(b) Possibility of illegal immigrants having embarked locally.

III. Regarding (a) Residency General says about 80 Jews from Tripoli recently arrived at Tunisian frontier having come from Zuara on foot and French authorities wished to send them back to Tripolitania as they were not in possession of visas. No transport however was available and request to member of Military administration at Zuara for such transport met with no reply. As it was impossible to keep 80 Jews at the frontier post they were sent to Tunis where they arrived July 21st and are now in the care of local Jewish community who have accepted responsibility for their continued presence in Tunisia. (See my immediately following telegram to Foreign Office only).

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Reference: **FO** 371/51817

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IV. Regarding (b) local air patrols have not sighted the Luciano and the police and gendarmerie are keeping strict look out for possible embarkation of illegal immigrants which is, however, thought by local authorities to be very unlikely.

Foreign Office please repeat to Paris, Rabat and Commander-in-Chief Mediterranean.

[Repeated to Rabat and Saving to Paris.

Copies sent to War Registry, Admiralty, for repetition to Commander-in-Chief Mediterranean].

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Reference: **FO 371/51817**

Registr
No. E 6598/48/6

~~Top Secret.~~
Secret.
Confidential.
~~Restricted.~~
Open.

Draft.

TUNIS No 136
ALGIERS No 48

Telegram.

No.
(Date) July 21st

Repeat to:—

PARIS No 1659
RABAT No 29

~~En Clair.~~

~~Code.~~

~~Cypher.~~

Distribution:—

Departmental no. 1

Copies to:—

I.I.P.
26/7.

OUT FILE

67


F.O.,

194 .

Despatched 11 481 M.

IMMEDIATE
SECRET

S.S. LUCIANO was reported
off Tunisian coast on
20th July, carrying 100 Jewish
illegal immigrants on deck.
2. Nothing is known of
point of embarkation of her
passengers. Please telegraph
any information you may
be able to obtain.


21/7

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Reference:

FO 371/61817

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OUT FILE

Green
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Secret

Cypher/CIP

DEPARTMENTAL NO.1

FROM FOREIGN OFFICE TO TUNIS NO.33
ALGIERS NO.48

21st July, 1947

D.11.45 p.m. 21st July, 1947

Repeated to Paris No.1659
Rabat No.29

IMMEDIATE

SECRET

S.S. Luciano was reported off Tunisian coast on
20th July, carrying 100 Jewish illegal immigrants on deck.

2. Nothing is known of point of embarkation of
her passengers. Please telegraph any information you
may be able to obtain.

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Reference: **FO** 371/61817

28 1947

Palestine
EASTERN

E6599/G

25 JUL 1947

69

E 6599/48-31
E 6599/48-31

Genoa

33

July 21st

S.S. KORA.

Rep. to F.O. tel 45 (E5712/84/31)
Conversation with Gasparinatos
and Potamianos concerning
this vessel.

Last Paper.

E6599

References.

(Minutes.)

Discussed with A.I.S. and Commander
Evans and telegram sent to
Genoa accordingly.



(Print.)

(How disposed of.)

Tel. Marseilles 89

July 22

Rpts Paris 1432(5)

Genoa 51(5)

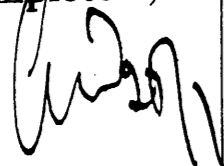
8) H.P.

Tel. Genoa 52

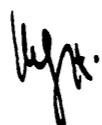
July 24

Rpts Rome 1617

(Action completed.)



(Index.)



Next Paper.

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69A

Yel) Genoa

54

July 29

8) I.L.P.

Aug. 2nd.

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Reference:

FO 371/61817

E

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Cypher/OTP.

DEPARTMENTAL NO.1.

FROM GENOA TO FOREIGN OFFICE.

His Majesty's Consul General.
No. 53. D. 12.20 p.m. 22nd July, 1947.

21st July, 1947. R. 8.55 p.m. 22nd July, 1947.

Repeated to Rome.

IMPORTANT.

SECRET.

Your telegram No.45.

E 5772/84/31

I have received personal visit from Gasparinatos and his manager Potamianos in consequence of Wigham Richardson's representations. Gasparinatos - who made quite favourable impression - assures that the Kora is not (repeat not) intended for clandestine traffic. He does not see however how he can give idea of the proposed voyage and cargo as it is impossible for him to seek freights or charter while the vessel [? grp.omtd.] under arrest. With a little guidance he made the following propositions: (a) that Wigham Richardson settles his liabilities and obtains release of the ship (b) he will submit to me all details of freights and cargoes including names of consignees and ports of discharge (c) ship will be open to petition by persons authorised by me (d) any reasonable control which may be proposed will be accepted (e) Kora not to sail without previously advising me.

2. Gasparinatos states that he is new to the ship owning business. His Manager explained that the ship is being altered to suit requirements of the projected regular general cargo run between North Mediterranean ports, Egypt and Red Sea. Alterations include removal of between decks, conversion to oil burning, renewal of all boiler tubes, installation of wireless room and cabins for wireless operator, second mate, cook and donkey man.

3. I have promised Gasparinatos earliest possible news as to the lifting of arrest. If the above controls are carried out I cannot see any objection to testing her bona fides.

[Copy sent to Middle East Secretariat]

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J.R.C.

OUT FILE

F. O.,

71

Despatched 10.00 M.

1946

Draft.

GENOA

IMPORTANT
SECRET

Telegram.

No. 52.

(Date) July 24th

Repeat to:—

ROME No 1615

your telegram no. 33 [of 21st July:
illegal immigrant ship "KORA"]

I am reluctant to allow
release of "KORA" without ~~any~~
very substantial assurance that she
will not be employed for Jewish
illegal immigration. It seems
unlikely that her detention by
arrest for debt could be repeated,
now she has been released.

(N.I.S. comm)

En Clair.

Code.

Cypher.

Distribution:—

Departmental NO. 1

Copies to:—

I. J. P.

30/7.

2. Our suspicions of this
ship are mainly based on
the very circumstantial evidence
supplied by you in your telegrams
nos. 25 and 26. Before considering
her release, I should be grateful
glad to learn whether you still
consider these reports reliable.

3. Further suspicion has
been aroused by the report that
D'ANDRIA is recruiting a crew for
the

NOTHING TO BE WRITTEN IN THIS MARGIN.

3148 Wt. 26469/137 50m 9/46 (51) F.&S.

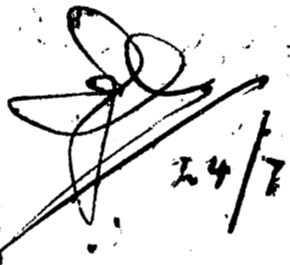
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Reference: FO 371/61817

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To the ship and by the report from Marseilles (my telegram no. 51 to you) that she is scheduled to sail from Marseilles on 1st August. This last report contradicts owner's statement that he cannot see freight or charter while vessel is under arrest.

It seems possible, however, that removal of between decks reported in your telegram under reference might make the vessel ship incapable of carrying illegal immigrants. Please arrange for ship to be inspected, therefore, and report whether or not this would be the case.


24/7

NOTHING TO BE WRITTEN IN THIS MARGIN.

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E 6599/84/G

SECRET

Cypher/OTP

DEPARTMENTAL No. 1

FROM FOREIGN OFFICE TO GENOA

No. 52

D. 10.40 a.m. 25th July, 1947

24th July, 1947

Repeated to Rome No. 1615

u u u u u

IMPORTANT

SECRET

Your telegram No. 53 [of 21st July: illegal immigrant ship "Kora"].

I am reluctant to allow release of "Kora" without very substantial assurance that she will not be employed for Jewish illegal immigration. It seems unlikely that her detention by arrest for debt could be repeated, once she has been released.

2. Our suspicions of this ship are mainly based on the very circumstantial evidence supplied by you in your telegrams Nos. 25 and 26. Before considering her release, I should be glad to learn whether you still consider these reports reliable.

3. Further suspicion has been aroused by the report that D'Andria is recruiting a crew for the ship and by the report from Marseilles (my telegram No. 51 to you) that she is scheduled to sail from Marseilles on 1st August. This last report contradicts owner's statement that he cannot seek freights or charter while vessel is under arrest.

4. It seems possible, however, that removal of between decks reported in your telegram under reference might render ship incapable of carrying illegal immigrants. Please arrange for ship to be inspected, therefore, and report whether or not this would be the case.

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FO 371/51817

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J.E.C.

F.O.,

194 .

Despatched M.

Draft.

GENOA

IMPORTANT
SECRET

Telegram.

No. 54

(Date) July 29

Repeat to:—

In Contr.
Code.
Cypher.

Distribution:—

Departmental
No. 1

Copies to:—

I.I.P.

My telegram no. 52 [of 24th July:
illegal immigrant ship "KORA"]
constant and constant
warn us that they will be
unable to resist owner's attempts
to pay debts on "KORA" for many
more days.

2. Please arrange inspection
mentioned in para. 4 of my
telegram under reference as soon
as possible. We are anxious
to take advantage of owner's

[Signature]
29/7

74

NOTHING TO BE WRITTEN IN THIS MARGIN.

3149 Wt. 26469/137 100m 9/46 (51) F.&S.

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75
END.

E 8599/48/G
Secret
Cypher/OTP

DEPARTMENTAL NO.1

FROM FOREIGN OFFICE TO GENOA

D.8.45 a.m. 29th July, 1947.

No.54
29th July, 1947.

B B B B

IMPORTANT
SECRET

My telegram No.52 [of 24th July: illegal immigrant ship "Kora"].

Constant and Constant warn us that they will be unable to resist owner's attempts to pay debts on "Kora" for many more days.

2. Please arrange inspection mentioned in paragraph 4 of my telegram under reference as soon as possible.

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